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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,683	11/30/2000	Thomas Marshall Eubanks	A7698	1558

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
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WASHINGTON, DC 20037-3213

EXAMINER
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TRAN, LAMBERT L

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 12/18/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

26

# Office Action Summary

Application No.

09/725,683

Applicant(s)

EUBANKS, THOMAS MARSHALL

Examiner

Lambert L. Tran

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Action is in response to the application filed on 30 November 2000.
2. Claims 1-6, presented for examination, are pending.

#### ***Priority***

3. Acknowledgment is made of Applicant's claim for continuation in part of Application No. 09/595,013, filed on 16 June 2000.
4. The effective filing date for the subject matter defined in the pending claims in this application is 16 June 2000.

#### ***Specification***

5. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (Pages 16-20). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by McCanne, U.S. Patent No 6,611,872.

8. In regard to claims 1, 4, McCanne disclosed:

*A system for delivering information on the Internet to end users, said system comprising:*

*an autonomous source of multicast transmission of said information [see McCanne, ABSTRACT, col. 5, lines 49-61].*

*a MULTIPOPS (Multicast Point of Presence) network which includes a plurality of multicast enabled Internet service providers [see McCanne, ABSTRACT, col. 6, lines 11-26].*

9. In regard to claims 2, 5, McCanne disclosed:

*said information comprises at least one of audio and video data [see McCanne, col. 3, lines 9-16].*

10. In regard to claims 3, 6, McCanne disclosed:

*said autonomous source comprises means for measuring the amount of said end users receiving said information (query and/or enumerate) [see McCanne, col. 6, lines 37-52].*

11. Since all the claims limitations are taught by McCanne's invention, claims 1-6 are rejected.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Hawkinson, et al., "Guidelines For Creation, Selection, And Registration Of An Autonomous System (AS)", Network Working Group, Request For Comments (RFC) No 1930, PP 1-10, March 1996.
- b. Grossglauser et al., U.S. Patent No 6,353,596, disclosed system and method for multipoint-to-multipoint multicasting.
- c. Dondeti et al., U.S. Patent No 6,240,188, disclosed distributed group key management scheme for secure many-to-many communication.
- d. Giese, U.S. Patent No 6,621,895, disclosed enhanced communication services for data networks.
- e. Yamaguchi et al., U.S. Patent No 6,636,481, disclosed data connecting method, data connecting apparatus, program recording medium.
- f. Rekhter et al., U.S. Patent No 6,339,595, disclosed peer model support for virtual private networks with potentially overlapping addresses.
- g. Clark et al., U.S. Patent No 6,442,588, disclosed method of administering a dynamic filtering firewall.
- h. Kshirsagar et al., U.S. Patent No 6,516,000, disclosed communications system for transmission of datagram packets over connection-oriented networks.
- i. G. Huston, "Internet Service Provider Peering", Draft 1.0, PP 1-8, December 1994.

Art Unit: 2142

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lambert L. Tran whose telephone number is (703) 305-4663.

The examiner can normally be reached on M-F at 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

L.L.T  
Assistant Examiner  
GAU 2142  
December 15, 2003

  
JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER